

## **FREQUENTLY ASKED QUESTIONS ABOUT JUDICIAL CONDUCT IN ILLINOIS**

### **1. What is the Judicial Inquiry Board?**

It is an independent Board created by Article VI, Section 15 (b) of the Illinois Constitution (1970). The Board is authorized to conduct investigations, receive or initiate complaints concerning a Judge or Associate Judge, and file complaints with the Courts Commission (Article VI, Section (c)).

The members of the Judicial Inquiry Board (“Board”) include four persons who are not lawyers, three lawyers, and two judges. The Board determines if a complaint made against an active Illinois State court judge should be closed or investigated, and whether a reasonable basis exists to file a public complaint against a judge with the Courts Commission.

### **2. What is the Courts Commission?**

The Courts Commission (“Commission”) **is not** part of the JUDICIAL INQUIRY BOARD. It is an independent constitutionally created body consisting of five judges and two citizens.

If after an investigation and upon determination by the Board that there is a reasonable basis to publicly charge a judge with misconduct or incapacity, the Board will file and prosecute a complaint before the Commission. The Commission hears the evidence against a judge at a public hearing and decides whether the allegations of the complaint were proved by clear and convincing evidence. If so, the Commission has the authority to: remove a Judge from office, suspend a Judge with/without pay, censure or reprimand a judge, or retire a Judge.

### **3. What is judicial misconduct?**

Judicial misconduct usually involves conduct in violation of the Code of Judicial Conduct (Illinois Supreme Court Rules 61 through 68) which may include but is not limited to: improper communication outside the presence of the parties in a case; sexual harassment; inappropriate or demeaning courtroom conduct, such as yelling, profanity, or racist, sexist or other discriminating comments; improper political campaign activity; delay in performing judicial duties; criminal behavior; and sleeping or drunkenness during a court proceeding. Note that the Board also has the authority to consider complaints alleging that a Judge is physically or mentally unable to perform his or her duties.

### **4. Does the Board have jurisdiction over complaints concerning retired judges, lawyers, police officers, court personnel, administrative law judges, federal judges, arbitrators or hearing officers?**

No. The Board only has the authority to process complaints that are filed against active

Illinois Supreme Court Justices, Appellate Court Justices, and Circuit Court Judges.

## **5. How do I file a Complaint against a judge?**

Request a Complaint form by contacting the Board at 100 Randolph Street, Suite 14-500, Chicago, Illinois 60601, (312) 814-5554, (800) 227-9429, TDD (312) 814 -1881 or Fax (312) 814-5719. You may also download a Complaint form from the Board's website – [www.illinois.gov/jib](http://www.illinois.gov/jib). Answer all questions on the Complaint form and mail it to the above address or fax it.

or

You may write a letter describing the claimed misconduct or physical/mental disability. In your letter, you must provide your first and last name, address, and telephone number; the judge's first and last name; the city and county where your cases is/was being heard; the case number and name (if your complaint concerns a court case); type of case (example: Criminal, Domestic Relations, Small Claims); your relationship to the case (example: Plaintiff, Defendant, Witness); the name, address, and telephone number of witnesses and attorneys; and the date(s), time(s), and location of the judge's alleged misconduct.

**Note: Please make a copy of all your documents before sending your complaint to the Board; documents will not be returned to you. Do not send documents that show social security numbers. For security reasons, the Judicial Inquiry Board does not accept documents sent on a USB flash drive, CD, DVD, or any other electronic format.**

**If you change your address after sending your complaint to the Board, you must provide your new address in order to receive further information about your complaint.**

## **6. Does the Board accept anonymous/unsigned Complaints?**

Yes. An anonymous/unsigned written complaint should state specific facts to support claims of misconduct or physical/mental disability. It must include the judge's first and last name; the case name and number (if your complaint concerns a court case); all important dates and times as well as the location of the claimed misconduct; and name(s) of witnesses, if known.

## **7. Can I get a judge off my case if I file a Complaint?**

No. Your complaint is separate from your court case. There are court rules that you must follow to substitute a judge or change the place where your case is being heard.

## **8. How long does the Complaint Process take?**

There are no fixed time limits within which the Board must act on a complaint. Also, the time to resolve a complaint depends on the complexity of the complaint and any required investigation, as well as the number and complexity of other pending complaints.

**9. Are all Complaints investigated?**

No.

**10. If the Board does not investigate my Complaint, what happens to it?**

Your closed complaint is kept in the Board's files and may be referred to later to determine if the Judge is displaying a pattern of misconduct.

**11. Should I delay my appeal until the Board makes a decision about my Complaint?**

No. You must continue with your court proceedings to correct any judicial errors you believe were committed in your case. The filing of a complaint against a Judge is not a substitute for the appellate process (the Board cannot change a Judge's ruling, decision, or judgment).

**12. What role do I play in the investigation and prosecution?**

If the Board determines it has jurisdiction to investigate your complaint, you may be contacted for further information.

In the event formal charges are filed against the judge with the Courts Commission, you may be called as one of the witnesses before and/or during the prosecution phase.

Formal charges are brought against a judge in the name of the Board and not in your name. You will only act as a witness.

**13. Have any Illinois judges been disciplined?**

The Courts Commission has disciplined Illinois state court judges. Additionally, some judges have retired/resigned from office during the Board's investigation of a complaint and before any public hearing.

**14. Are Complaints confidential?**

Generally, complaints and the fact that a complaint has been made, are confidential. Judges are not routinely informed when a complaint has been filed and judges are not usually contacted about a complaint unless and until it becomes necessary to the investigation. Many complaints are investigated (investigations may entail interviewing attorneys, court personnel and other witnesses) without notifying the judge of the investigation. In the course of an investigation, the judge may be provided an opportunity to respond to the complaint while the proceeding is confidential.

In the event that the Board publicly charges a judge with misconduct or incapacity, documents filed with the Courts Commission become public, as would your testimony if you were to be a witness at the public hearing.

Regarding confidentiality, the Illinois Constitution and the Board's Rules of Procedure provide as follows:

**Illinois Constitution, Article VI, Section 15(c):**

“All proceedings of the Board shall be confidential except the filing of a complaint with the Courts Commission.”

**Rules of Procedure of the Judiciary Inquiry Board, Rule 5 – Confidentiality:**

“(a) The proceedings of the Board and all information and materials, written or oral, received or developed by the Board in the course of its work, insofar as such proceedings and information or materials relate to the question of whether a judge is guilty of misconduct or suffers from disability, shall be confidential and privileged as a matter of law, except where noted below. (Amended, effective October 11, 2013.)

(b) When the Board has conducted an investigation but determined not to propose any charges to the judge in question, the Board shall by letter notify the judge and the person, if any, who had brought the matter to the attention of the Board, that such a determination has been made; provided, however, that no such information need be furnished to the judge unless it appears to the Board that he knows, or has reason to know, that a communication was made about him or her to the Board or that the Board conducted an investigation which involved the judge.

(c) When the Board has conducted an investigation and proposed charges to a judge, and subsequently determined that a reasonable basis does not exist for the filing of a complaint with the Commission, the Board shall by letter notify the judge and the person, if any, who had brought the matter to the attention of the Board, that such a determination has been made. The issuance of such letters does not mean that the repetition of such charged conduct, or other conduct violations coupled with the charged conduct or repetitions thereof, could not give rise to a future determination that a reasonable basis exists for the filing of a complaint with the Commission.

(d) In matters of contempt or perjury in Board proceedings, the Board may initiate appropriate action, including court proceedings, in order to protect the integrity of Board proceedings. When the Board takes such action, the Board may make such disclosures as are necessary to prosecute the action. (Amended effective April 10, 1998.)

(e) When the Board is in the process of conducting an investigation based upon factors or complaints submitted by the subject judge's chief or factors already

disclosed to the public by some other manner, and where that chief judge, pursuant to Supreme Court Rule 56, has temporarily assigned the judge to restricted duties or duties other than judicial duties, the Board may advise the chief judge when, and if, it is of the opinion that the judge subject to investigation may be returned to his or her regular assignment. Such disclosure may be made only upon the concurrence of the judge subject to investigation. In such circumstances, the chief judge shall be bound by the same rule of confidentiality and privilege as the Board itself. (**Adopted effective, April 10, 1998; Amended effective October 11, 2013.**)

**15. Does the Board give legal advice?**

No. The Board cannot give legal advice or assistance or represent individuals.